

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 667

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO ANIMALS; BROADENING THE DEFINITION OF "DANGEROUS
DOG"; ADDING NEW REGISTRATION REQUIREMENTS UNDER THE DANGEROUS
DOG ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 77-1A-2 NMSA 1978 (being Laws 2005,
Chapter 61, Section 2) is amended to read:

"77-1A-2. DEFINITIONS.--As used in the Dangerous Dog Act:

A. "animal control authority" means an entity
authorized to enforce the animal control laws of a city, county
or state, whether acting alone or in concert with other
governmental authorities. In those areas not served by an
animal control authority, the sheriff or municipal law
enforcement shall carry out the duties of the animal control
authority under the Dangerous Dog Act;

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underscored material = new
[bracketed material] = delete

1 B. "dangerous dog" means a dog that caused the
2 death of or a serious injury to a person or domestic animal;

3 C. "owner" means a person who possesses, harbors,
4 keeps or has control or custody of a dog or, if that person is
5 under the age of eighteen, that person's parent or guardian;

6 D. "potentially dangerous dog" means a dog that may
7 reasonably be assumed to pose a threat to public safety as
8 demonstrated by the following behaviors:

9 (1) causing an injury to a person or domestic
10 animal that is less severe than a serious injury;

11 (2) chasing or menacing a person or domestic
12 animal in an aggressive manner and without provocation; or

13 (3) acting in a highly [~~aggressively~~]
14 aggressive manner within a fenced yard or enclosure and
15 appearing able to jump out of the yard or enclosure;

16 E. "proper enclosure" means secure confinement
17 indoors or outdoors, such as in a fenced yard, locked pen or
18 other structure, that is designed to prevent the animal from
19 escaping the confined area and young children from entering the
20 confined area but does not include an electronic collar, an
21 invisible fence or confinement by chaining, restraining or
22 otherwise affixing the animal to a stationary object; and

23 F. "serious injury" means a physical injury that
24 results in protracted loss or impairment of function of any
25 bodily member or organ, broken bones, multiple bites or

1 disfiguring lacerations requiring sutures or reconstructive
2 surgery."

3 Section 2. Section 77-1A-5 NMSA 1978 (being Laws 2005,
4 Chapter 61, Section 5) is amended to read:

5 "77-1A-5. REGISTRATION AND HANDLING REQUIREMENTS FOR
6 DANGEROUS AND POTENTIALLY DANGEROUS DOGS.--

7 A. An animal control authority shall issue a
8 certificate of registration to the owner of a potentially
9 dangerous dog if the owner establishes that:

10 (1) the owner is able to keep the dog under
11 control at all times;

12 (2) a license, if applicable, has been issued
13 pursuant to the requirements of the jurisdiction;

14 (3) the dog has a current rabies vaccination;

15 (4) the owner has a proper enclosure for the
16 dog;

17 (5) the owner has paid an annual fee, if
18 applicable, established by the animal control authority to
19 register a potentially dangerous dog;

20 (6) the dog has been spayed or neutered;

21 (7) the dog has been implanted with a
22 microchip containing owner identification information that is
23 also provided to the animal control authority; and

24 (8) the owner has entered the dog in a
25 socialization and behavior program approved or offered by the

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1 animal control authority.

2 B. If a dog previously determined to be potentially
3 dangerous has not exhibited any of the behaviors specified in
4 Subsection D of Section [~~2 of the Dangerous Dog Act~~] 77-1A-2
5 NMSA 1978 for thirty-six consecutive months, the owner may
6 request the animal control authority in the jurisdiction to
7 lift the requirements for registration pursuant to this
8 section. If the animal control authority has no reasonable
9 basis to believe that the dog has exhibited the behaviors
10 specified, it shall relieve the owner of the requirements of
11 this section.

12 C. An animal control authority shall issue a
13 certificate of registration to the owner of a dangerous dog if
14 the owner, in addition to the requirements of Subsection A of
15 this section, establishes that:

16 (1) the owner has paid an annual fee, if
17 applicable, established by the animal control authority to
18 register a dangerous dog;

19 (2) the owner has written permission of the
20 property owner or homeowner's association where the dangerous
21 dog will be kept, if applicable;

22 (3) the dangerous dog will be maintained
23 exclusively on the owner's property except for medical
24 treatment or examination;

25 (4) when the dangerous dog is removed from the

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1 owner's property, the dog shall be caged or muzzled and
2 restrained with a lead no longer than four feet, and the dog
3 shall be under complete control of a person eighteen years of
4 age or older at all times;

5 (5) the dangerous dog will not be transported
6 in a vehicle that might allow the dog to escape or gain access
7 to any person or animal outside the vehicle; [~~and~~]

8 (6) a clearly visible warning sign with a
9 conspicuous warning symbol indicating that there is a dangerous
10 dog on the premises is posted where the dog is kept and is
11 visible from a public roadway or from fifty feet, whichever is
12 less;

13 (7) the owner will submit to the photographing
14 or permanent marking of the dangerous dog for purposes of
15 identification;

16 (8) the owner has obtained and will maintain
17 liability insurance in the amount of two hundred fifty thousand
18 dollars (\$250,000) and will furnish a certificate or proof of
19 insurance upon demand of the animal control authority; and

20 (9) the owner will notify the animal control
21 authority at least thirty calendar days before the cancellation
22 or nonrenewal of the liability insurance policy.

23 D. An animal control authority may order the
24 immediate impoundment or humane destruction of a dog previously
25 determined to be a dangerous dog if the owner fails to abide by

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1 the conditions for registration, confinement or handling set
2 forth in this section."

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